IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8741 OF 2006

Ananda Nivruti Mohite ...Petitioner

vs.

The Hindustan Co-op Bank Ltd. & Ors. ...Respondents

Mr.P.M.Khankar for the Petitioner
Mr.V.C.Ghosalkar for Respondent No.1
Mr.P.M.Jadhav i/b Mr.V.P.Sawant for Respondent No.8
Ms Vaidehi Mhaispurkar for Respondent Nos.4 & 7.

CORAM: A.S.OKA,J.
DATE : JUNE 13, 2007.

P.C.:

1. Heard Advocate for the Petitioner and the Advocate for the Respondents. The recovery certificate under section 101 of the Maharashtra Cooperative Societies Act,1960 (hereinafter referred to as the said Act of 1960) was issued in favour of the first Respondent. A Revision Application was preferred by the Petitioner for challenging the said certificate which has been rejected by order dated 28th July 2006 which has been impugned in this Petition. The Revision Application has been rejected on the ground that there is no compliance with the statutory requirement of sub section 2A of section 154 of the said Act of 1960.

2. The submission of the Advocate for the Petitioner is that in fact the Petitioner had complied with the requirement of sub section 2A of section 154 of the said Act of 1960. He

submitted that the auction of the property of the Petitioner is illegal.

3. So far as the second submission is concerned, the same is beyond the scope of of this Petition in which challenge is to the order passed under section 101 of the said Act of 1960 and the order rejecting the Revision Application filed for challenging the said order. Therefore, the issue regarding alleged illegality of the auction cannot be adjudicated upon in the Writ Petition.

4. On the material which is available on record of this Petition, it cannot be said that the Petitioner has complied with the requirements of sub section 2A of section 154 of the said Act of 1960. If according to the Petitioner, as of 20th July 2006 he had complied with the requirement of deposit, it is always open for the Petitioner to make an Application before the Revisional Authority and to satisfy the Revisional Authority that on 20th July 2006 compliance was made by the Petitioner with the requirement of sub section 2A of section 154 of the said Act of 1960.

5. Subject to what is stated above, Writ Petition is not entertained and the same is rejected.

JUDGE